

DENTAL QUALITY ASSURANCE COMMISSION BUSINESS MEETING MINUTES

Thursday May 18, 2006

(Subject to DQAC approval)

Members Present:

Russell Timms, DDS, Chair
Mark Koday, DDS, Vice-Chair
Abdul Alkezweeny, PhD, Public Member
Karen Homitz, DDS
Padmaraj Angolkar, DDS
Bernie Nelson, Public Member
Jessica Saepoff, DDS

Fred Quarnstrom, DDS
Robin Reinke, DDS
John Davis, DDS, JD
Terrance Hauck, MD, DDS
Lorin Peterson, DDS
Marshall Titus, DDS
Pramod Sinha, DDS

Staff Present:

Lisa Anderson, Health Services Consultant 3
Kirby Putscher Deputy Executive Director
Josh Shipe, Health Services Consultant 3
Joyce Roper, Assistant Attorney General

Cheri Brooks, Health Services Consultant
Kim Dinsmore, Administrative Assistant II
Peter Harris, Staff Attorney

Staff Absent:

Joy King, Executive Director

Others Present:

David Hemion, Assistant Executive Director - WSDA
Melissa Johnson, Lobbyist, WSDHA
Mary Ann Newell, Consumers for Dental Choice
Cindy Gideon, AAG
John Versnel, Esquire
Bracken Killpack, WSDA
Joella Pyatt, WSDHA
Lynnette Davis, Esq. – DSHS
Alfred M Fairbanks, DDS

OPEN SESSION:

- 1. CALL TO ORDER** – Russell Timms, DDS, Chair called the meeting to order at 7:05 p.m.
 - 1.1. Introduction of Audience – The audience introduced themselves.
 - 1.2. Approval of Agenda – The agenda was approved.
 - 1.3. Approval of the March 23, 2006 business meeting minutes – Minutes approved as presented.
 - 1.4. Panel A & B minutes – Minutes approved as presented.

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2. RULES HEARING WAC 246-817-560

2.1. A formal rules hearing was held to amend WAC 246-817-560, by adding placement of antimicrobials as an act that may be performed by licensed dental hygienists under close supervision of a licensed dentist. Testimony was given by Melissa Johnson for WSDHA and David Hemion for WSDA. Both testified in support of the proposed rule and explained that there was agreement for the 2003 legislation that placement of antimicrobials by dental hygienists must be done under close supervision of a licensed dentist. Following the testimony the Commission voted to adopt the rule as proposed. It is anticipated the final rule will be filed with the code reviser in late June for an effective date 31 days after filing.

3. COMPLIANCE PRESENTATION

3.1. Alfred M Fairbanks, DDS and John C Versnel, III, Attorney at Law gave a presentation on Informed Consent.

4. PROGRAM REPORT, EXECUTIVE DIRECTOR, ASSISTANT ATTORNEY GENERAL, STAFF ATTORNEY, INVESTIGATORS – Joy King, Executive Director, Lisa Anderson, Health Services Consultant, Josh Shipe, Disciplinary Manager, Joyce Roper, AAG, Staff Attorney, Investigators

4.1. Budget Report-Interim Operating Reports for January 2006. Lisa spoke about the need for an I-601 exemption in the 2007-2009 biennium in order to request a fee increase. HPQA financial manager is currently researching and projecting what the fee increase should be. The fee increase will consider issues such as inflation as well as that 80% of dental resources are spent on the discipline process. Fees have not been increased in many years.

4.2. DQAC Recruitment package has been submitted to the Governor's office. The package requests Dr. Sinha and Dr. Titus be considered for re-appointment and an additional slate of names for the position vacated by Dr. Robin Reinke.

4.3. Washington Physician's Health Program provided written announcement of the appointment of Mick Oreskovich, MD, Medical Director and Chief Executive Officer. Dr. Oreskovich replaces Dr. Lynn Hanks.

4.4. 2007 Draft Legislative Proposals – big ideas for business. Three proposals and DQAC comments have been submitted; everything is continuing to grow, including more multiple day hearings.

4.4.1.1. Increase size of DQAC: Consider use of (inactive) retired dentists. Increased disciplinary caseload, multi-day hearings, other exam related responsibilities

have contributed to need for redistribution of workload. (Suggestion of 4 additional members has been made.)

- 4.4.1.2. Recalculate Cost Recovery methodologies: Dr. Reinke discussed setting renewal rates for dentists with the cleanest records would receive the cheapest rates, practitioner cost system per penalty. "Do the most, charge the most"
- 4.4.1.3. Tiered fee/renewal structure (concepts), cost recovery for STID's, and discussion of whether they are really capturing the recovery costs and accurate accounting.

5. RULES UPDATE – Chapter 246-817

- 5.1. Dental continuing education (WAC 246-817-440), Effective April 8, 2006
- 5.2. WAC 246-817-560 Placement of Antimicrobials – Takes effect in mid July.
- 5.3. 246-817-XXX Sexual Misconduct – CR-101 to be filed. It is anticipated that final version of Secretary Sexual Misconduct rules will be filed in mid-July.
- 5.4. Proposed Fee Increases - Will be considered in 2007-2009 biennium.
- 5.5. Dental Anesthesia Committee = DAC* (WAC 246-817-700's) – Recommendations will be finalized on June 10, final meeting of DAC.
- 5.6. Dental License without Examinations (WAC 246-817-130, 135, 140) See below
- 5.7. Dental Licensure related rules - SB 5966 Five year requirement. Lisa needs further direction from DQAC to proceed.
- 5.8. PGY-1 Program/Dental Residents, Dr. Koday discussed two components of the program. Suggestions for the assessment criteria would be for examiners to observe residents, shadowing, developing specific cases, with specific criteria to include a portfolio, including treatment plans. Two hours with each candidate to ask specific questions about how they determined results. Dental Resident pilot project at the Northwest Dental Residency begins on July 1, 2006 – anticipated 5 enrollees in program.

- 6. **SKILLS ASSESSMENT AND REMEDIATION** – Josh Shipe and Dr. John Davis. In discussions with the UW, there was some concern expressed about remediation of dentists with underlying substance or alcohol abuse issues. Initial Assessment, Clinical competency, and practical assessment will be done with Certification of Completion and final report back to us. Practitioner is responsible for all costs incurred.

- 7. **AMERICAN DENTAL ASSOCIATION (ADA); AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE); AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (AADA); THE DENTAL ASSISTING NATIONAL BOARD, INC (DANB); THE NATIONAL PRACTITIONER DATA BANK (NPDB); AMERICAN STUDENT DENTAL ASSOCIATION (ASDA)** - the listed items were provided to the commission members by email.

- 7.1. The Bulletin-Spring 2006

- 7.2. ASDA Letter dated March 17, 2006
- 7.3. AADE 123rd Annual Meeting Registration Packet – October 2006 – Who to attend?
- 7.4. NPDB and Section 1921 Fact Sheet
- 7.5. DHHS Letter dated April 21, 2006
- 7.6. NPDB/HIPDB Data Bank News April 2006

8. WESTERN REGIONAL EXAM BOARD (WREB)

- 8.1. April 26, 2006 July WREB Meetings
- 8.2. Western Conference- July 21-22, 2006 - Keystone, Colorado – Dr. Davis to attend.
- 8.3. Article “Drilling Down”

9. COUNCIL OF INTERSTATE TESTING AGENCIES (CITA) /ADEX/ OTHER

CITA to provide suggestions, proposal to accept WREB results. Currently, there is variations in which states accept which exam formats. A motion was made to recognize all current exams for licensure. The motion was withdrawn and moved to the July meeting. Dr. Peterson was to gather and format additional information about each regional examination format to allow all commissioners to make an informed decision on this issue.

10. OTHER REPORTS

Department of Health, Health Professions Quality Assurance held a Board and Commission Dialogue Session on April 26, 2006. Dr. John Davis and Dr. Mark Koday attended and reported back to the Commission.

11. CORRESPONDENCE

- 11.1. Letter dated April 6, 2006 from Lisa Anderson to A.T. Still University regarding their acceptance as an accredited ADA education program.
- 11.2. Letter dated May 2, 2006 from Wayne W. Cottam, DMD, MS at A.T. Still University to request approval to conduct their Integrated Community Service Partnership program. Commission accepted program as proposed.

12. CONSENT AGENDA

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the agenda and placed on the regular business agenda.

- 12.1. Newsletters / Articles – the listed items were provided to the commission members by email.

- 12.1.1. U.S. Newswire - What Patients Don't Know: Dentists' Sweet Tooth for mercury.
- 12.1.2. Kaisernetwork.org – ADA Files Suit Over Dental Therapists Providing Care in Rural Areas
- 12.1.3. Seattle PI – Capitol Watch: Patient Safety
- 12.1.4. Quackbusters Crushed in Massachusetts Dental Case
- 12.1.5. Bolen Report – AETNA Loses Major Dental Case in Fed. Court
- 12.1.6. HPQA January 2006 Monthly report – We ASPIRE
- 12.1.7. Department of Health – The Sentinel February 2006
- 12.1.8. Missouri Dental Board Newsletter – January 2006
- 12.1.9. CDC Public Health Law News, Feb 15, 2006 – “Legal health issues arise grill fad”

13. POLICIES/ INTERPRETIVE STATEMENTS, OPINIONS

Any interpretive statement issued by the Commission is advisory and intended for the guidance of the requesting parties only. The interpretive statement is not legally binding and does not have the force and effect of a duly promulgated regulation or declaratory ruling by the Commission.

CLOSED SESSION

14. EXECUTIVE SESSION

The term “executive session” is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for specified purposes, which are identified in RCW 42.30.220(1)(a-k), and only during a regular or special meeting.

OPEN SESSION

15. FUTURE COMMISSION BUSINESS – No future business items were discussed but there are several items that were tabled until the next meeting

- 15.1. CITA – Will DQAC accept their exam results?
- 15.2. Microdermabrasion – Request from AAOMS
- 15.3. WREB Presentation – Dr. Lorin Peterson
- 15.4. Skills Assessment and Remediation – Dr. John Davis and Josh Shipe
- 15.5. Informed Consent Presentation – Kim O’Neal, AAG – Prosecutor’s perspective

16. BUSINESS MEETING ADJOURNMENT

With no further business the meeting was adjourned at 9:42 p.m. Disciplinary panels will begin at 8:00 a.m. on Friday, May 19, 2006.

Respectfully Submitted By:

Cheri Brooks, Health Service Consultant 1

Commission Approval By:

Russell Timms, DDS, Chair